

EXHIBIT A: DEPOSITION EXCERPTS

The attached deposition include:

1. Brown Dep. Pages 152-154.
2. Brown Dep. Page 244-245.
3. Eustace Dep. Pages 67-68; 75-76; 86; 104-105; 124-125; 164-165; and 195.¹
4. Stover Dep. Pages 17-21; 21-32; 101-116.

¹ The deposition of Alan Eustace occurred on February 27, 2013. The attached include portions of the rough transcript, with citations to the transcript pages, found along the right margin. A final version of the transcript, on a rushed basis, will not be available until Monday, March 4, 2013.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4
5

6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
12
13
14

15 VIDEO DEPOSITION OF SHONA BROWN
16 January 30, 2013
17
18

19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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02:10:26 1 Q. And did you do that because you were worried
02:10:29 2 that if you didn't, it could cause an upward pressure on
02:10:34 3 compensation for people within that internal market?

02:10:39 4 A. The worry was less about the upward pressure.
02:10:41 5 The worry was more that when you sit there and look at
02:10:43 6 your set of employees at any level of granularity and
02:10:47 7 their total pay across the various elements, you want it
02:10:51 8 to make sense relative to the value that they're
02:10:55 9 delivering, and to the extent it doesn't make sense, you
02:10:57 10 then have to think over long periods of time, you know,
02:11:00 11 are the ways that either the person grows into the value
02:11:04 12 or -- or perhaps their comp changes over time, aren't --
02:11:11 13 aren't the same in order to kind of try to adjust that
02:11:14 14 over time. But it's more that it created -- it created
02:11:19 15 difficulties that you didn't have to think about over
02:11:20 16 time.

02:11:24 17 Q. Okay. Please review Exhibit 174.

02:12:21 18 A. Okay.

02:12:23 19 Q. Did you write this first email to Mr. Geshuri
02:12:26 20 copying others?

02:12:28 21 A. The second email on the page?

02:12:30 22 Q. Yes.

02:12:31 23 A. Yes. It looks like an email from me in
02:12:33 24 November of 2004.

02:12:36 25 Q. And you wrote, "We have historically always

02:12:42 1 allowed recruiters to find talent wherever it is - even
02:12:46 2 when it is with key partners (for example AOL) or
02:12:50 3 sensitive competitors (for example, Yahoo, Microsoft).
02:12:52 4 Which is the right answer."

02:12:57 5 Why was it the right answer to allow recruiters
02:12:59 6 to find talent wherever it was, even if it was at a key
02:13:05 7 partner or sensitive competitor?

02:13:09 8 MR. RUBIN: Objection. I'll invoke the rule of
02:13:11 9 completeness. I think asking her that question, it's --
02:13:15 10 the next sentence is however -- begins with however, so
02:13:19 11 it tempers it.

02:13:20 12 So what I would ask you to do is just read the
02:13:23 13 whole paragraph.

02:13:23 14 You want to ask her about one answer, that's
02:13:25 15 fine.

02:13:26 16 MR. HARVEY: Absolutely not.

02:13:27 17 MR. RUBIN: Or I'll read it.

02:13:28 18 MR. HARVEY: Absolutely not.

02:13:29 19 MR. RUBIN: Well, there's a rule --

02:13:29 20 MR. HARVEY: Absolutely not. It's my
02:13:30 21 deposition, Lee.

02:13:30 22 MR. RUBIN: No, there is a rule of evidence.

02:13:32 23 MR. HARVEY: She can take whatever time she
02:13:34 24 needs to read whatever part of the document she wants.
02:13:35 25 I'm asking a question about the first sentence.

02:13:37 1 MR. RUBIN: Okay. I'll go ahead and read it
02:13:38 2 while she's thinking --

02:13:40 3 MR. HARVEY: No.

02:13:41 4 MR. RUBIN: -- while she's looking at it.

02:13:41 5 "However, we do need to be respectfully and
02:13:44 6 sensitive about how we do it. I don't think this is
02:13:46 7 consistently happening. One practical suggestion came
02:13:46 8 up today, that we could tell recruiters as a tangible
02:13:50 9 action item, is to be targeted in proactive recruiting
02:13:53 10 into these companies. In other words, we should NOT do
02:13:55 11 what Microsoft does which is to get a rolodex of
02:13:59 12 engineers and just call everyone, one after another. It
02:14:02 13 is fine for recruiters to call into these companies with
02:14:05 14 a specific individual they are chasing. If you have a
02:14:07 15 different point of view let me know. Otherwise, can you
02:14:10 16 communicate this to recruiting leads. And let's make
02:14:12 17 sure Paul/Judy add this to training materials."

02:14:15 18 That's the whole email.

02:14:16 19 MR. HARVEY: I'll move to strike that -- that
02:14:17 20 speech which is entirely inappropriate.

02:14:19 21 MR. RUBIN: I will invoke Rule --

02:14:20 22 MR. HARVEY: -- the pending question --

02:14:20 23 MR. RUBIN: -- Rule 106 of the Rule of Evidence
02:14:22 24 requires things that ought to be considered at the same
02:14:25 25 time to be considered. So we shouldn't cherry-pick

02:14:30 1 phrases.

02:14:30 2 MR. HARVEY: None of this is appropriate and
02:14:32 3 none of it will be deducted from the seven hours.

02:14:35 4 MR. RUBIN: I'm sorry the rules of evidence
02:14:37 5 don't apply to your depositions, but they actually do in
02:14:41 6 court.

02:14:42 7 MR. HARVEY: For God's sakes, Lee. All right.

02:14:45 8 Q. Ms. Brown, could you please answer the pending
02:14:46 9 question.

02:14:46 10 A. Could you repeat it for me. I'm sorry.

02:14:47 11 MR. HARVEY: Could the reporter please repeat
02:14:49 12 the pending question.

02:12:36 13 (Record read as follows: And you wrote, "We
02:12:39 14 have historically always allowed recruiters to
02:12:43 15 find talent wherever it is - even when it is
02:12:46 16 with key partners (for example AOL) or
02:12:50 17 sensitive competitors (for example, Yahoo,
02:12:52 18 Microsoft). Which is the right answer."
02:12:57 19 Why was it the right answer to allow recruiters
02:12:59 20 to find talent wherever it was, even if it was
02:13:03 21 at a key partner or sensitive competitor?)

02:15:27 22 THE WITNESS: So my response is that I was
02:15:28 23 contrasting that first statement with the statement that
02:15:32 24 follows. Indeed that's true. So in generally speaking,
02:15:38 25 you want to be able to find talent wherever you can.

05:49:05 1 was, it was our doing and we wanted to create this list
05:49:08 2 in order to be better partners.

05:49:10 3 Q. Did Larry Page ever tell you that the
05:49:12 4 do-not-call list was unilateral?

05:49:15 5 A. I don't recall a conversation with Larry Page
05:49:16 6 about the do-not-call list.

05:49:19 7 Q. Did Sergey Brin ever tell you that the
05:49:21 8 do-not-call list was unilateral?

05:49:23 9 A. I don't recall any conversation specifically
05:49:25 10 with Sergey about the do-not-call list either.

05:49:28 11 Q. Did Bill Campbell ever tell you that Google's
05:49:32 12 do-not-call list was unilateral?

05:49:34 13 MR. RUBIN: Objection. Vague.

05:49:41 14 If you can answer.

05:49:43 15 THE WITNESS: Again, I don't remember any
05:49:44 16 detailed conversations with Bill Campbell about the
05:49:47 17 do-not-call policy. It's evident from some emails you
05:49:51 18 showed today that at some point he became aware that we
05:49:53 19 had such a do-not-call list. I -- I don't recall any
05:49:57 20 conversations with him about anything with regards to
05:50:00 21 other companies having or not having such a list as
05:50:04 22 well.

05:50:05 23 MR. HARVEY: Q. Can you point me to a single
05:50:07 24 piece of evidence that supports your belief that
05:50:10 25 Google's do-not-call policy was unilateral?

05:50:14 1 MR. RUBIN: I can.

05:50:15 2 Go ahead.

05:50:18 3 THE WITNESS: You asked me what my recollection
05:50:19 4 was of the events, and I've given you my recollection of
05:50:22 5 the event, which is that we created that list. We've
05:50:25 6 looked at emails today that suggest that happened coming
05:50:27 7 out of a management team meeting, which makes perfect
05:50:32 8 sense to me, and we created the list with a set of
05:50:35 9 strategic partners. It changed over time as the nature
05:50:38 10 of who the strategic partners were changed over time.
05:50:42 11 We've gone through all of that today.

05:50:45 12 MR. HARVEY: Q. And I believe you said you
05:50:46 13 created the list with a set of strategic partners.
05:50:49 14 What did you mean by that?

05:50:53 15 A. Meaning that there was always a set of
05:50:56 16 strategic partners, and I think we looked at an email
05:50:58 17 today that you showed me that reminded me or it seemed
05:51:01 18 to show that it came out of actually an EMG discussion
05:51:04 19 meeting, and I believe there were three original
05:51:07 20 companies on that list, Genentech and Intel and Apple.
05:51:11 21 That's what I meant that they were all strategic
05:51:13 22 partners.

05:51:16 23 Q. Okay. What is a merit budget?

05:51:31 24 A. I'm not sure the specific context that you're
05:51:34 25 referring to, but we did have -- I believe that we used

1 I, Gina V. Carbone, Certified Shorthand
2 Reporter licensed in the State of California, License
3 No. 8249, hereby certify that the deponent was by me
4 first duly sworn and the foregoing testimony was
5 reported by me and was thereafter transcribed with
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7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: February 1, 2013.

17 _____ Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 ___X___ Reading and signing was not requested.

20

21

22

23

GINA V. CARBONE

24

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4 computer disk, or receiving a Livenote/Real time ASCII
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16 THE WITNESS: I can read the companies that
17 are in the first section.

18 MS. DERMODY: Okay.

19 Q. Do you see the sentence that says, "The
20 following companies have special agreements with
21 Google"?

22 MR. RUBIN: Look, let me just be clear.

23 I have no problem with you saying that's what
24 it says but my objection is that you are baking it into
25 the question and trying to get the witness to adopt a

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1 particular characterization. So if you want to say here
2 are companies under the title and this is what the
3 document says --

4 MS. DERMODY: Are you testifying?

5 MR. RUBIN: No. I'm just trying to explain to
6 you --

7 MS. DERMODY: You are absolutely out of line.
8 Let's move on.

9 MR. RUBIN: I'm just trying to explain to you
10 what it is that I'm objecting to so that you can ask a
11 question that won't raise an objection.

12 If you want to say here is what the document
13 says and ask him a question, that's fine.

14 THE WITNESS: Yeah. I'm confused too in the
15 sense that you are just asking me -- I mean I can read
16 the document. I don't know what you are trying to get
17 me to do other than read.

18 BY MS. DERMODY:

19 Q. I'm not trying to get you to do anything. I'm
20 asking you if you follow the document and you follow the
21 sentence in the document. Do you see the list of

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23 A. Okay, great. Thank you. That is very

24 helpful.

25 (Reviews document.)

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1 Okay.

2 Q. So do you recognize having received any part
3 of this document?

4 A. I don't remember the document, but I certainly
5 saw it and I certainly responded to it, so...

6 Q. Do you recall there being an episode in 2005,
7 early 2005 where Steve Jobs was upset with Google in
8 connection to recruiting that Google was doing of Apple
9 employees?

10 A. Well, these documents say that yes, I was
11 aware of such a set of exchanges.

12 Q. And the document that I said I would focus on
13 which starts at the bottom of page two, on to page
14 three, which is from Mr. Brin to the executive
15 management group and others says, "So I got another
16 irate call from Jobs today. I don't think we should let
17 that determine the hiring strategy but thought I would
18 let you know. Basically he said, 'If you hire a single
19 one of these people, that means war.'"

20 Do you have an understanding of what the
21 reference to "war" is here as described in this e-mail
22 exchange?

23 A. No idea.

24 MR. RUBIN: Objection. Lacks foundation.

25 THE WITNESS: No idea.

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1 BY MS. DERMODY:

2 Q. Do you have an impression reading this what
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3 this might have involved?

4 MR. RUBIN: Objection. Calls for speculation.

5 THE WITNESS: I have no idea.

6 BY MS. DERMODY:

7 Q. Was this one of the threats that you described
8 earlier that Steve Jobs might make if he was displeased?

9 MR. RUBIN: Objection. Calls for speculation.

10 THE WITNESS: It was not a threat that Steve
11 made to me.

12 BY MS. DERMODY:

13 Q. Was this your understanding of the kind of
14 thing Steve might do if he was displeased?

15 MR. RUBIN: Objection. Calls for speculation.

16 THE WITNESS: I don't know what Steve would do
17 in other cases, I only know about the cases where he and
18 I talked directly.

19 BY MS. DERMODY:

20 Q. This is an e-mail that you receive at this
21 time; is that correct?

22 A. Yes, I did receive this e-mail.

23 Q. Okay.

24 And do you recall discussing this with anyone?

25 A. Obviously I discussed it with the people on

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1 the thread here. I don't remember any other
2 discussions.

3 Q. Is going to war a term you have heard used in
4 the business community in Silicon Valley?

5 A. No, I have not heard that particular phrase.

6 This is a -- to be clear, this is a paraphrase by Sergey
7 of what Steve might have said. I have no idea whether

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21 BY MS. DERMODY:

22 Q. And what --

23 A. I'm the middle person.

24 Q. And what you say to him is "I can't risk our

25 relationship with Apple." Who was the "our" in that

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1 statement?

2 A. Could be either one of two things. It could
3 be Jean-Marie and my relationship with Apple or it could
4 be Google's relationship with Apple.

5 Q. In that sentence you're referring to Google's
6 relationship with Apple, aren't you, Mr. Eustace?

7 MR. RUBIN: Objection. Argumentative, it
8 lacks foundation and asked and answered.

9 THE WITNESS: It is more likely I meant Google
10 than Jean-Marie and my relationship, but the sentence is
11 ambiguous.

12 MS. DERMODY: We have to switch the tape, so
13 we should take a break.

14 THE WITNESS: Cool, great. Thank you.

15 THE VIDEOGRAPHER: We're off the record. The
16 time is 12:14 p.m. This will be the end of Video 1,
17 Volume 1 in the deposition of Alan Eustace.

18 (Luncheon recess taken at 12:14 p.m.)

19

20 Afternoon Session 1:04 p.m.

21 THE VIDEOGRAPHER: We're back on the record,
22 the time is 1:04 p.m. This marks Video 2 in the
23 deposition of Alan Eustace.

24 BY MS. DERMODY:

25 Q. Mr. Eustace, are you aware whether Google's

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20 partnerships actually developed, before we worked
21 together, the way these relationships are built early
22 on, you have a relationship and that builds, you know,
23 potentially over time.

24 At this time, I think the potential for an IBM
25 relationship was similar to the potential of an Apple

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1 relationship but I don't believe over time, the IBM
2 relationship evolved to the same extent that the Apple
3 relationship did.

4 MS. DERMODY: Okay.

5 Q. If you go back to the first page of this
6 exhibit, you will see there is an e-mail responding to
7 you from Mr. Chiu.

8 A. Are you talking about the statement in bold?

9 Q. I think the entire e-mail is from Mr. Chiu.

10 A. I got it.

11 Q. Is that correct, as we're looking at it?

12 If you look at the first line of that e-mail
13 from Mr. Chiu responding to you, he says, "Alan, I
14 appreciate your response below. As we discussed last
15 night, I would really need to have some indication of
16 good faith in the spirit of our partnership. I
17 understand that IBM people may get contacted in a
18 widespread recruiting effort but this is very important
19 to the emotional side of our partnership." Do you see
20 that?

21 A. Yes, I do.

22 Q. Do you know or have an understanding of what
23 he was referring to there?

24 A. The only thing I can do is go back to the --

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25 is to go back to his statement that intentionally

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1 systematically targeting IBM employees was what they
2 were worried about.

3 Q. And do you understand why he thought there was
4 a lack of good faith or had to call out good faith as
5 part of his reassurance that he wanted?

6 MR. RUBIN: Objection. Calls for speculation.

7 THE WITNESS: I don't know what Willie was
8 thinking.

9 MS. DERMODY:

10 Q. You didn't talk about that as you recall?

11 A. This said we did talk about it last night, so
12 we must have had a phone call. I get a little more
13 context in that. There must be a phone call that caused
14 me to send the message I did which caused him to send
15 the message that he did.

16 Q. And reading this, does it refresh your
17 recollection at all about the content of that
18 conversation?

19 A. No, it doesn't.

20 Q. And other than the two employees you can
21 recall that you recruited from IBM at this time, was
22 there anything else that you remember Mr. Chiu raising
23 as a basis for him suggesting that IBM was being
24 intentionally systematically targeted?

25 A. No.

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1 MR. RUBIN: Objection. Lacks foundation.

2 THE WITNESS: No.

3 MS. DERMODY: Let me go back to Exhibit 180.

4 It's probably sitting in your pile. If it's in in

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15 because of something that the company had told me or
16 that Eric had told me, but that the company didn't have
17 the right expertise. They were building chips and we
18 were building systems and those two expertise actually
19 have very little intersection. So this is kind of
20 meaningless to me from an engineering point of view.

21 I would never have asked about what the policy
22 is toward Intel because I would not have actively, you
23 know, tried to recruit executives from Intel.

24 MS. DERMODY: Okay.

25 Q. And in looking at this document, where there

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1 is a reference to Google's commitment to terminate a
2 recruiter that calls into Intel, does that refresh your
3 recollection about any conversations you might have had
4 about the commitment that Google had to not let that
5 happen?

6 MR. RUBIN: Objection. Lacks foundation.

7 THE WITNESS: I never knew about this policy.

8 MS. DERMODY:

9 Q. Do you know if Google's commitment not to cold
10 call other companies was shared with the companies that
11 were the subject of that decision?

12 MR. RUBIN: Objection. Lacks foundation.

13 THE WITNESS: I do not know.

14 MS. DERMODY: Okay.

15 Q. Do you know if Google's board of directors was
16 ever advised that Google had made a decision not to cold
17 call the employees of certain companies?

18 A. I do not know.

19 Q. Do you have an awareness of how compensation

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14 the cost of living was changing dramatically, would that
15 be part of the discussion for how to set salaries across
16 the whole employee population that was located here?

17 MR. RUBIN: Objection. Foundation.

18 THE WITNESS: I was not a part of the
19 discussions for whether or not cost of living increases
20 factored into the salary conversations.

21 MS. DERMODY: Thank you.

22 Q. Do you know of any circumstances where
23 information about other companies led the firm to a
24 large increase in compensation of many people or a
25 department inside Google?

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1 MR. RUBIN: Objection. Vague.

2 THE WITNESS: There was constant work by the
3 compensation people to understand how our salaries and
4 compensation and total compensation package compared in
5 particular job descriptions with other companies and so
6 I mean, that was a constant part of our business, to
7 understand whether we were paying people appropriately.

8 For instance, every year, we would look at
9 colleges and we would make a decision on what we're
10 going to pay new college students. So it was a
11 continuous process evaluating compensation by geography,
12 by job title across the whole company.

13 MS. DERMODY: Okay.

14 Thanks.

15 I wasn't sure what you were passing me. I
16 have these documents.

17 THE WITNESS: Getting a little punchy at 3:30,
18 aren't we?

19 THE REPORTER: Exhibit 1060.
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22 to shift from variable comp to base salary and so what I
 23 was asking him in this e-mail was what was happening to
 24 the individual paychecks of the individual people and to
 25 try to make sure that they were seeing the effect of the

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1 global program.

2 Q. And as stated here, you say, "I was surprised

3

Am I missing

6 something?"

7 Do you see that?

8 A. Yes, I see that.

9 Q.

12 MR. RUBIN: Objection. Lacks foundation.

13 THE WITNESS: I'm -- this is just a question
 14 based on the data I had at the time. I don't know how
 15 this actually came out.

16 I don't know whether he sent me a message or
 17 talked to me and said -- gave me an explanation and
 18 said, that's fine or gave me an explanation that said,
 19 no, I think there is something missing here, or maybe I
 20 just misunderstood. For me, I just don't have any
 21 context here.

22 BY MS. DERMODY:

23 Q. Did you --

24 A.

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<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION</p> <p>-----</p> <p>IN RE: HIGH-TECH EMPLOYEE) ANTITRUST LITIGATION) No. 11-CV-2509-LHK</p> <p>-----</p> <p>HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY</p> <p>VIDEOTAPED DEPOSITION OF DANIEL STOVER San Francisco, California Monday, October 29, 2012 Volume I</p> <p>Reported by: ASHLEY SOEVYN CSR No. 12019 JOB No. 1541285</p> <p>PAGES 1 - 298</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 FOR THE PLAINTIFFS AND PROPOSED CLASS:</p> <p>4</p> <p>5 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP</p> <p>6 BY: DEAN HARVEY, ESQ.</p> <p>7 -AND ANNE SHAVER, ESQ.</p> <p>8 275 Battery Street</p> <p>9 29th floor</p> <p>10 San Francisco, California 94111</p> <p>11 (415) 956-1000</p> <p>12 dharvey@lchb.com</p> <p>13</p> <p>14 FOR THE PLAINTIFFS AND PROPOSED CLASS:</p> <p>15</p> <p>16 JOSEPH SAVERI LAW FIRM</p> <p>17 BY: LISA J. LEEBOVE</p> <p>18 255 California Street, Suite 450</p> <p>19 San Francisco, California 94111</p> <p>20 (415) 500-6800</p> <p>21 lleebove@saverilawfirm.com</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION</p> <p>3</p> <p>4 -----</p> <p>5 IN RE: HIGH-TECH EMPLOYEE)</p> <p>6 ANTITRUST LITIGATION) No. 11-CV-2509-LHK</p> <p>7 -----</p> <p>8</p> <p>9</p> <p>10</p> <p>11 Videotaped Deposition of Daniel Stover, taken</p> <p>12 at 275 Battery Street, 29th floor, San Francisco,</p> <p>13 California, commencing at 9:21 a.m., Monday, October</p> <p>14 29, 2012, before Ashley Soevyn, CSR 12019.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 FOR THE DEFENDANTS ADOBE SYSTEMS AND INTUIT:</p> <p>4</p> <p>5 JONES DAY</p> <p>6 BY: DAVID KIERNAN, ESQ.</p> <p>7 -And CATHERINE T. ZENG, ESQ.</p> <p>8 555 California Street</p> <p>9 26th floor</p> <p>10 San Francisco, California 94104</p> <p>11 (415) 626-3939</p> <p>12 dkiernan@jonesday.com</p> <p>13 czeng@jonesday.com</p> <p>14</p> <p>15 FOR THE DEFENDANT PIXAR:</p> <p>16</p> <p>17 COVINGTON & BURLING LLP</p> <p>18 BY: EMILY JOHNSON HENN, ESQ.</p> <p>19 333 Twin Dolphin Drive</p> <p>20 Suite 700</p> <p>21 Redwood Shores, California 94065-1418</p> <p>22 (650) 632-4715</p> <p>23 ehenn@cov.com</p> <p>24</p> <p>25</p>

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4 WITNESS EXAMINATION

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9 WITNESS INSTRUCTION NOT TO ANSWER

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1 EXHIBITS

2 NUMBER DESCRIPTION PAGES

3 Exhibit 90 Resume of Daniel Stover; 80
4 Bates No. PLTF_DS_29 through PLTF_DS_315
6 Exhibit 91 Resume of Daniel Stover; 81
7 Bates No. PLTF_DS13 through PLTF_DS148
9 Exhibit 92 Resume of Daniel 101
10 Stover; Bates No. PLTF_DS_1118 through
11 PLTF_DS_112012
13 Exhibit 93 LinkedIn profile of 111
14 Daniel Stover; Bates No. PLTF_DS_243
15 through PLTF_DS_24816
17 Exhibit 94 Plaintiff Daniel Stover's 134
18 Supplemental Answers and Objections to
19 Defendants' First Set of Interrogatories20
21 Exhibit 95 VirtualEdge Intuit on-line 278
22 application of Daniel Stover; Bates No.
23 INTUIT_7106 through INTUIT_7109

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<p>1 A. I don't specifically remember accessing it. 09:29:37</p> <p>2 I do remember thinking about it and bringing -- 09:29:39</p> <p>3 bring it up that I had a Yahoo account. At some 09:29:42</p> <p>4 point, I changed to Gmail, so I made every attempt 09:29:44</p> <p>5 to make sure I looked everywhere that I possibly 09:29:48</p> <p>6 could to find documents that were relevant to this 09:29:52</p> <p>7 case. 09:29:55</p> <p>8 So again, I can't specifically say, you 09:29:57</p> <p>9 know, when I did -- but you know, I can pretty 09:30:03</p> <p>10 confidently say that I did. 09:30:06</p> <p>11 Q. What is your password for that account? 09:30:07</p> <p>12 MS. LEEBOVE: Objection, calls for 09:30:10</p> <p>13 privacy. 09:30:13</p> <p>14 THE WITNESS: Yeah, I wouldn't -- 09:30:15</p> <p>15 BY MR. KIERNAN: 09:30:16</p> <p>16 Q. I'm sorry? 09:30:16</p> <p>17 A. I would not know that information. 09:30:16</p> <p>18 Q. How did you access your account? 09:30:18</p> <p>19 A. I have a list that I keep with my passwords 09:30:20</p> <p>20 on it. I honestly don't commit my passwords to 09:30:23</p> <p>21 memory. 09:30:26</p> <p>22 Q. Okay. So you still have the password for 09:30:27</p> <p>23 the DanielStoverSF@Yahoo.com? 09:30:29</p> <p>24 A. I probably do not. 09:30:35</p> <p>25 Q. You probably do not? 09:30:36</p>	<p>1 he didn't destroy it. I just -- Mr. Stover, I got 09:31:27</p> <p>2 to know what your testimony is. 09:31:30</p> <p>3 Do you have the password to your Yahoo 09:31:31</p> <p>4 account? 09:31:34</p> <p>5 MS. LEEBOVE: Objection, asked and 09:31:35</p> <p>6 answered. 09:31:36</p> <p>7 THE WITNESS: I do not at this point. 09:31:36</p> <p>8 BY MR. KIERNAN: 09:31:38</p> <p>9 Q. When is the last time you had it? 09:31:38</p> <p>10 MS. LEEBOVE: Objection, asked and 09:31:40</p> <p>11 answered. 09:31:41</p> <p>12 THE WITNESS: I couldn't say. 09:31:42</p> <p>13 BY MR. KIERNAN: 09:31:46</p> <p>14 Q. How did you access the Yahoo.com account? 09:31:46</p> <p>15 MS. LEEBOVE: Objection -- 09:31:50</p> <p>16 BY MR. KIERNAN: 09:31:52</p> <p>17 Q. -- in connection with this -- in connection 09:31:52</p> <p>18 with this lawsuit? 09:31:53</p> <p>19 MS. LEEBOVE: Objection, asked and 09:31:54</p> <p>20 answered. 09:31:56</p> <p>21 THE WITNESS: Yeah, I think -- I think as I 09:31:57</p> <p>22 said, I -- I went through the website -- website. I 09:31:58</p> <p>23 knew my user name. I don't remember if the password 09:32:01</p> <p>24 was on my list at that time. You know, like most 09:32:05</p> <p>25 people I have eight or nine different passwords that 09:32:10</p>
Page 18	Page 20
<p>1 A. Yeah, because I don't use that account 09:30:38</p> <p>2 anymore. 09:30:41</p> <p>3 Q. Okay. So I'll ask the question again. How 09:30:42</p> <p>4 did you access your DanielStoverSF@Yahoo.com account 09:30:44</p> <p>5 if you don't have the password? 09:30:50</p> <p>6 MS. LEEBOVE: Objection, asked and 09:30:51</p> <p>7 answered. 09:30:54</p> <p>8 BY MR. KIERNAN: 09:30:54</p> <p>9 Q. Go ahead. 09:30:54</p> <p>10 A. At the time, I probably still had it on a 09:30:55</p> <p>11 list somewhere. 09:30:58</p> <p>12 Q. And now you destroyed it? 09:31:00</p> <p>13 MS. LEEBOVE: Objection, misstates prior 09:31:01</p> <p>14 testimony. 09:31:03</p> <p>15 THE WITNESS: I have not destroyed it. I 09:31:04</p> <p>16 mean, there is a collection of eight or nine 09:31:06</p> <p>17 different passwords I use. So if I did not have it 09:31:09</p> <p>18 on my list, I could cycle through those. But no, I 09:31:12</p> <p>19 did not destroy it. 09:31:15</p> <p>20 BY MR. KIERNAN: 09:31:19</p> <p>21 Q. So you still have the password? 09:31:19</p> <p>22 MS. LEEBOVE: Objection, asked and 09:31:22</p> <p>23 answered. 09:31:23</p> <p>24 MR. KIERNAN: Well, he said he didn't 09:31:23</p> <p>25 des- -- he said he didn't have it. But now he says 09:31:24</p>	<p>1 I use or a combination thereof. I think that's 09:32:17</p> <p>2 consistent with what I said. 09:32:21</p> <p>3 BY MR. KIERNAN: 09:32:31</p> <p>4 Q. What else did you do to look for 09:32:31</p> <p>5 documents? 09:32:34</p> <p>6 MR. HARVEY: Objection, to the extent the 09:32:36</p> <p>7 question calls for attorney-client communications or 09:32:40</p> <p>8 instructions. I instruct the witness not to answer 09:32:42</p> <p>9 the question. 09:32:44</p> <p>10 THE WITNESS: I'll follow his advice. 09:32:47</p> <p>11 MR. KIERNAN: Well, you have to answer 09:32:49</p> <p>12 questions about the facts, okay, not what he told 09:32:51</p> <p>13 you. You have to tell me what exactly you did to 09:32:54</p> <p>14 look for documents. 09:32:56</p> <p>15 MS. LEEBOVE: I will just caution you that 09:32:57</p> <p>16 if you -- it's fine for you to say what you did to 09:32:58</p> <p>17 look for documents, but not to communicate what you 09:33:00</p> <p>18 discussed with your attorneys. 09:33:02</p> <p>19 So you can let him know where you looked, 09:33:04</p> <p>20 where you decided to look. 09:33:08</p> <p>21 THE WITNESS: Okay. I honestly have one 09:33:13</p> <p>22 folder in which I keep physical documents. I am not 09:33:16</p> <p>23 a corporation or business, so I don't really have 09:33:20</p> <p>24 any -- keep a bunch of paper records. So I looked 09:33:22</p> <p>25 through, you know, these file folders. 09:33:25</p>

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<p>1 In terms of electronic documents, there is 09:33:27</p> <p>2 a services that I was doing a search on two 09:33:30</p> <p>3 computers which I owned, which I had during the 09:33:35</p> <p>4 period of working at Intuit. So a full search of 09:33:37</p> <p>5 everything that was on those computers, as well as 09:33:41</p> <p>6 some -- some services -- some web applications where 09:33:45</p> <p>7 I keep documents online. 09:33:50</p> <p>8 BY MR. KIERNAN: 09:33:53</p> <p>9 Q. In the Cloud? 09:33:53</p> <p>10 A. Correct. 09:33:56</p> <p>11 Q. Okay. What about port- -- any portable 09:33:58</p> <p>12 media? CDs, DVDs, floppies? 09:34:00</p> <p>13 A. I looked through those, there was nothing 09:34:05</p> <p>14 there that I found as relevant. 09:34:06</p> <p>15 Q. You personally went through them? 09:34:07</p> <p>16 A. Yes. 09:34:09</p> <p>17 Q. How many? 09:34:10</p> <p>18 MS. LEEBOVE: Objection, vague. 09:34:10</p> <p>19 THE WITNESS: So portable media that could 09:34:16</p> <p>20 possibly contain anything relevant to the case? 09:34:20</p> <p>21 BY MR. KIERNAN: 09:34:24</p> <p>22 Q. Uh-huh. 09:34:24</p> <p>23 A. There were maybe four CDs, and I had a 09:34:24</p> <p>24 drive that I used to back up information. 09:34:27</p> <p>25 Q. Okay. The drive that you were -- 09:34:37</p>	<p>1 documents that were obvious to me on the computer. 09:35:44</p> <p>2 But with respect to this contractor, I just followed 09:35:47</p> <p>3 their instructions exactly to ensure that they had 09:35:50</p> <p>4 full access to the machines and my Cloud accounts. 09:35:54</p> <p>5 Q. Do you recall that you've produced -- well, 09:36:13</p> <p>6 I'll represent to you that you've produced a number 09:36:16</p> <p>7 of resumes in response to the defense document 09:36:18</p> <p>8 request. 09:36:23</p> <p>9 A. Correct. 09:36:23</p> <p>10 Q. And I have three that are sort of 09:36:26</p> <p>11 carpentry-related. 09:36:27</p> <p>12 A. Uh-huh. 09:36:29</p> <p>13 Q. What do you use those for? 09:36:30</p> <p>14 A. Those would be jobs working in carpentry, 09:36:33</p> <p>15 either finished carpentry, typically. You may have 09:36:37</p> <p>16 a copy related to shop work, that is, making 09:36:41</p> <p>17 cabinets and furniture. I mean, I would say given 09:36:45</p> <p>18 the nature of the search of the machine, some of the 09:36:49</p> <p>19 resumes you have may be works in progress, you know, 09:36:52</p> <p>20 because documents are backed up automatically and 09:36:56</p> <p>21 whatnot. 09:36:59</p> <p>22 Q. Well, I have three that are 09:37:00</p> <p>23 carpentry-related. Would one of those be the 09:37:03</p> <p>24 final? 09:37:06</p> <p>25 MS. LEEBOVE: Objection, vague. And if you 09:37:06</p>
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<p>1 referenced -- a hard drive, flash drive? What 09:34:39</p> <p>2 exactly is it? 09:34:41</p> <p>3 A. It was a portable hard drive. Honestly, I 09:34:43</p> <p>4 haven't use it in probably four or five years. It 09:34:47</p> <p>5 contains photographs and music and, you know, things 09:34:51</p> <p>6 related to kind of a personal nature. 09:34:54</p> <p>7 Q. And you said that you searched two 09:34:56</p> <p>8 computers? 09:34:58</p> <p>9 A. Correct. 09:34:59</p> <p>10 Q. And did you personally search them for 09:35:00</p> <p>11 relevant material? 09:35:02</p> <p>12 A. I did not. 09:35:03</p> <p>13 Q. Okay. Who did? 09:35:06</p> <p>14 A. There was a contractor which -- this is 09:35:08</p> <p>15 their specialty. So I just provided them with 09:35:10</p> <p>16 access to my machines. 09:35:15</p> <p>17 Q. And do you know how they searched your 09:35:19</p> <p>18 computers? 09:35:22</p> <p>19 A. No. I would be guessing if I told you 09:35:24</p> <p>20 how. 09:35:28</p> <p>21 Q. Did you do anything to determine that this 09:35:29</p> <p>22 search was complete? That is, that this contractor 09:35:31</p> <p>23 obtained all the responsive information to 09:35:36</p> <p>24 defendant's document request? 09:35:38</p> <p>25 A. I mean, personally, I looked through 09:35:41</p>	<p>1 need to do -- if you have the documents with you, 09:37:08</p> <p>2 you may show them to him. If you need to see them, 09:37:12</p> <p>3 you can ask for them. 09:37:17</p> <p>4 MR. KIERNAN: You'll have time for a 09:37:19</p> <p>5 redirect, Counsel. 09:37:21</p> <p>6 BY MR. KIERNAN: 09:37:22</p> <p>7 Q. We're going to answer the question. Would 09:37:22</p> <p>8 one of the three that you produced be the final? 09:37:22</p> <p>9 A. I can't say for certain. 09:37:24</p> <p>10 Q. Okay. Well, did you search for the final 09:37:26</p> <p>11 resume? 09:37:28</p> <p>12 A. I know where my -- my current updated 09:37:29</p> <p>13 resumes are. 09:37:31</p> <p>14 Q. And did you produce it to us? 09:37:32</p> <p>15 A. Assuming the search was appropriate on my 09:37:35</p> <p>16 machines and worked, which I'm assuming, yes. 09:37:38</p> <p>17 Q. What -- what did you do to make sure that 09:37:43</p> <p>18 your search was appropriate? 09:37:46</p> <p>19 MS. LEEBOVE: Objection, asked and 09:37:47</p> <p>20 answered. 09:37:51</p> <p>21 THE WITNESS: I gave this consultant full 09:37:53</p> <p>22 access to my machines. They were logged in to my 09:37:56</p> <p>23 machines. They had access to every single file on 09:38:00</p> <p>24 those machines. 09:38:03</p> <p>25 MR. KIERNAN: Okay. 09:38:05</p>

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<p>1 THE WITNESS: My current resumes -- they 09:38:05 2 are public record. I mean, there's websites where 09:38:07 3 you can see my resume. 09:38:11 4 BY MR. KIERNAN: 09:38:14 5 Q. Where is your carpentry resume that is in 09:38:14 6 the public record? 09:38:23 7 A. I know I have several stored with Google. 09:38:25 8 If I were to look at LinkedIn, that would probably 09:38:30 9 be more focused on technology roles. 09:38:33 10 Q. You said you submitted your carpentry 09:38:41 11 resume to Google? 09:38:42 12 MS. LEEBOVE: Objection, misstates prior 09:38:44 13 testimony. 09:38:46 14 MR. KIERNAN: I'm not following that. 09:38:46 15 THE WITNESS: So Google has this service, 09:38:48 16 it's now called Drive, Google Drive. Uh -- 09:38:51 17 BY MR. KIERNAN: 09:38:57 18 Q. When did you start using that, Mr. Stover? 09:38:57 19 Google Drive? 09:39:00 20 A. Yeah, it used to be Docs by Google.com. 09:39:02 21 Again, I would estimate about the time I opened my 09:39:08 22 Google account. So again, that was -- I don't 09:39:13 23 remember specifically when that was. It was 09:39:15 24 probably similar to the answer I gave you earlier. 09:39:17 25 Q. I'm thinking that maybe this would help out 09:39:23</p>	<p>1 think I opened it while I was working at Intuit." 09:40:47 2 MS. LEEBOVE: Objection, misstates prior 09:40:57 3 testimony. 09:40:58 4 MR. KIERNAN: Right? 09:40:58 5 MS. LEEBOVE: Objection, misstates prior 09:40:59 6 testimony, argumentative, vague. I'm not sure it 09:40:59 7 was a question. 09:41:04 8 THE WITNESS: Could you restate that? 09:41:07 9 MR. KIERNAN: No. I can't find it on my 09:41:08 10 screen. 09:41:45 11 THE REPORTER: (Read back as follows: The 09:41:45 12 last question was, "Well, it's not in line" -- hold 09:41:45 13 on. "Why is that not surprising to you?") 09:41:48 14 Is that the one you want? 09:41:48 15 MR. KIERNAN: And then he gives an answer 09:41:48 16 and -- 09:41:48 17 THE REPORTER: Yup. That was his answer. 09:41:48 18 "Well, it's not in line" -- that one? 09:41:48 19 BY MR. KIERNAN: 09:41:48 20 Q. Well, it's not in line with you opening an 09:41:48 21 account while you were working at Intuit, correct? 09:41:48 22 MS. LEEBOVE: Objection, misstates prior 09:41:48 23 testimony, vague and ambiguous. 09:41:50 24 THE WITNESS: As I stated, I wasn't 09:41:51 25 entirely certain. I gave a time period of 2009 when 09:41:55</p>
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<p>1 a little bit. Do you recall if it was before or 09:39:26 2 after you left Intuit? 09:39:28 3 A. I believe it was during the period I was 09:39:31 4 with Intuit that I opened the Google account. 09:39:34 5 Q. The reason I ask is, I can't find any 09:39:36 6 e-mails in the production while you were working at 09:39:40 7 Intuit. Do you know why that would be? 09:39:43 8 A. Are you talking about personal e-mails? 09:39:49 9 Q. Yeah, your Gmail account, the first e-mail 09:39:51 10 is December 2009. 09:39:54 11 MS. LEEBOVE: Objection, vague. 09:39:58 12 THE WITNESS: So I would have been working 09:40:02 13 at Intuit at that point, correct? 09:40:03 14 BY MR. KIERNAN: 09:40:08 15 Q. Uh-huh. My question was, is it a surprise 09:40:08 16 to you that the first e-mail that's in your 09:40:16 17 production from your Gmail account is dated as 09:40:19 18 December 2009? 09:40:22 19 A. Uh, no. 09:40:23 20 Q. Okay. And why -- why is that not 09:40:24 21 surprising to you? 09:40:28 22 A. Because that was, I believe, I said in 2009 09:40:28 23 I opened my Google account. That's in line with 09:40:32 24 what I told you earlier, so that's not a surprise. 09:40:37 25 Q. Okay. Well, it's not in line with, "I 09:40:44</p>	<p>1 I opened the account, so by saying I was in line 09:41:58 2 with that -- I left Intuit in December of 2009. 09:42:02 3 BY MR. KIERNAN: 09:42:23 4 Q. And it's about then that you think you 09:42:23 5 started using the Google Docs? 09:42:25 6 MS. LEEBOVE: Objection, misstates prior 09:42:29 7 testimony. 09:42:32 8 THE WITNESS: Approximately, yeah. 09:42:33 9 MR. KIERNAN: Okay. 09:42:34 10 THE WITNESS: I don't remember exactly the 09:42:34 11 correlation to when I opened the Google account and 09:42:35 12 started using the Google Docs -- 09:42:38 13 BY MR. KIERNAN: 09:42:41 14 Q. Sorry. We'll have to do this throughout 09:42:41 15 and sometimes I'll apologize. And since you haven't 09:42:44 16 been deposed before, Mr. Stover, let me just point 09:42:48 17 out, she's taking down everything that you and I 09:42:51 18 say. And so we will have to be careful throughout 09:42:54 19 the deposition of not talking over one another. 09:42:57 20 We have done okay so far, but I may mention 09:43:01 21 it a time or two. I'm not trying to be rude, 09:43:04 22 it's -- she will appreciate it. 09:43:08 23 A. Yeah. I completely understand. 09:43:12 24 Q. Okay. Are you currently employed by 09:43:32 25 somebody, or is it your own business? 09:43:35</p>

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1 A. I am actually starting a new job 09:43:38
 2 tomorrow. 09:43:41
 3 Q. Oh, congratulations. 09:43:42
 4 A. Yeah. Good timing. 09:43:44
 5 Q. Who is your job with? 09:43:50
 6 A. The name of the company is Jay Wanamaker 09:43:51
 7 Cabinetry. 09:43:56
 8 Q. And you located in Seattle? 09:43:57
 9 A. Correct. 09:44:03
 10 Q. Before that job which starts tomorrow -- 09:44:05
 11 A. Uh-huh. 09:44:08
 12 Q. -- what -- what were you doing? Were you 09:44:08
 13 working sole proprietorship or for somebody? 09:44:10
 14 MS. LEEBOVE: Objection, vague, compound. 09:44:12
 15 THE WITNESS: So up until May or June of 09:44:20
 16 this year, I was in a program formally studying 09:44:25
 17 woodworking. And over the summer I had one job 09:44:27
 18 doing some residential construction. But mainly 09:44:30
 19 over the last three or four months, I've been 09:44:33
 20 focusing on finding a position with a cabinet 09:44:36
 21 maker. 09:44:45
 22 BY MR. KIERNAN: 09:44:45
 23 Q. And how long was the woodworking program? 09:44:45
 24 A. It was a year and a half. 09:44:48
 25 Q. So when did you start? 09:44:54

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1 A. So if I finished in May -- so I've counted 09:44:56
 2 back from May, that would be, what, I'm sorry. I'm 09:45:15
 3 sure -- I don't know if you have a copy of my 09:45:21
 4 current resume -- 09:45:24
 5 Q. That's what I'm looking for. It's exactly 09:45:26
 6 what I'm looking for. In the meantime, Mr. Stover, 09:45:29
 7 I am not going to not mark this as an exhibit. I 09:45:37
 8 only have one copy, but your counsel can look at it. 09:45:40
 9 That was in your production. Can you tell me what 09:45:44
 10 that is? The Bates number is -- what is the Bates 09:45:47
 11 number down in the lower right-hand corner? 09:45:50
 12 A. The what? 09:45:53
 13 Q. Yeah, that thing. PLTF_DS_ -- 09:45:55
 14 A. 0000279. 09:45:58
 15 Q. Okay. Can you tell me what that is? 09:46:02
 16 MS. LEEBOVE: Take your time to look at it 09:46:05
 17 if you want to. 09:46:07
 18 MR. KIERNAN: Yeah, take your time. I have 09:46:08
 19 about 500 pages of this stuff, and I'm trying to 09:46:12
 20 figure out why you produced it. 09:46:14
 21 BY MR. KIERNAN: 09:46:57
 22 Q. Any of it look familiar? 09:46:57
 23 A. It does not look familiar. I can read 09:46:59
 24 through the code and make a guess as to what it is, 09:47:01
 25 if that would be useful. It may take some time. 09:47:05

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1 Q. I just want to know why you produced it in 09:47:08
 2 this lawsuit. 09:47:11
 3 A. I would be guessing as to why. I could 09:47:11
 4 spend several hours and give you a good guess. 09:47:16
 5 Q. Well, no, you produced it in response to 09:47:21
 6 something. I just want to know why you thought it 09:47:23
 7 was responsive to our document request. 09:47:27
 8 MS. LEEBOVE: I'm not sure if that's a 09:47:30
 9 question, but -- 09:47:32
 10 MR. KIERNAN: Yes, it is. I want to know 09:47:32
 11 why it's rela- -- responsive to our document 09:47:35
 12 request. 09:47:38
 13 MS. LEEBOVE: It sounds like a statement. 09:47:39
 14 Objections stands. 09:47:41
 15 MR. KIERNAN: No, no. See, the "why" is a 09:47:41
 16 question. It's not a statement. 09:47:42
 17 MS. LEEBOVE: It sounds like a statement. 09:47:44
 18 MR. HARVEY: To the pending question, 09:47:46
 19 objection, calls for a legal conclusion. 09:47:46
 20 BY MR. KIERNAN: 09:47:51
 21 Q. Okay. And Mr. Stover, this -- your counsel 09:47:51
 22 thinks it's like a trick question. If you don't 09:47:56
 23 know why it was produced, that's all you got to say. 09:47:59
 24 It's easy. 09:48:03
 25 A. I can't with certainty say why it was 09:48:05

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1 produced. 09:48:09
 2 Q. Do you have any idea? 09:48:10
 3 A. Would you like me to guess? 09:48:11
 4 Q. Sure. 09:48:12
 5 A. My assumption is that the application which 09:48:18
 6 was run on my machine found some keywords or some 09:48:21
 7 other element that they were looking for in here. 09:48:26
 8 But again, that's just a guess. To 09:48:31
 9 honestly analyze this would take a day or two to 09:48:37
 10 kind of look at it and figure out exactly what it 09:48:41
 11 is. 09:48:44
 12 Q. This is good enough. I just want to make 09:48:44
 13 sure -- it's fine. 09:48:47
 14 MR. HARVEY: Just so the record is clear, 09:48:49
 15 because it's not an exhibit, could you read the 09:48:51
 16 Bates range of the document? And if it was produced 09:48:53
 17 as a single document, can you make a representation 09:48:57
 18 it was produced as a single document? 09:48:59
 19 MR. KIERNAN: What I'll say is, why don't 09:49:03
 20 you guys look at it a break? 09:49:04
 21 And you can do it during -- 09:49:09
 22 MR. HARVEY: Why don't you spend the 09:49:09
 23 time so the transcript is clear -- (Cross-talking) 09:49:13
 24 MR. KIERNAN: Hey, hey. Dean, Dean, this 09:49:13
 25 is my deposition. Stop, stop -- (Cross-talking) 09:49:15

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<p>1 resume. 12:48:12</p> <p>2 Q. And where did you look for that document? 12:48:13</p> <p>3 A. I looked on Google Gmail. 12:48:15</p> <p>4 Q. And just tell me how you accessed it and 12:48:18</p> <p>5 how you found the document that you printed? 12:48:23</p> <p>6 MS. LEEBOVE: Objection, vague, and 12:48:25</p> <p>7 don't -- I'm letting you know you don't have to give 12:48:29</p> <p>8 him your password, how you logged on to your 12:48:34</p> <p>9 account. 12:48:34</p> <p>10 THE WITNESS: Yes, I logged on to my 12:48:35</p> <p>11 account and looked at e-mails I had sent, and I 12:48:36</p> <p>12 found the most recent e-mail I had sent to possible 12:48:39</p> <p>13 employer related to carpentry work. 12:48:43</p> <p>14 BY MR. KIERNAN: 12:48:46</p> <p>15 Q. And what was the name of the employer -- 12:48:46</p> <p>16 potential employer? 12:48:53</p> <p>17 A. I don't remember. 12:48:54</p> <p>18 MR. KIERNAN: Let me do this to make the 12:48:54</p> <p>19 record a little clearer, I'm handing you what's been 12:48:56</p> <p>20 marked as -- 92? Exhibit 92. I've been asked that 12:49:04</p> <p>21 the first number of the Bates range will be 12:49:13</p> <p>22 PLTF_DS_1118 and last page will be PLTF_DS_1120. 12:49:17</p> <p>23 You have a copy. 12:49:55</p> <p>24 (Exhibit 92 marked for identification.) 12:49:57</p> <p>25 MS. LEEBOVE: Actually -- 12:49:57</p>	<p>1 either making cabinets or furniture. So it would be 12:51:25</p> <p>2 shop work. 12:51:30</p> <p>3 Q. And you were presenting this to potential 12:51:32</p> <p>4 employers? 12:51:36</p> <p>5 A. Correct. 12:51:37</p> <p>6 Q. Knowing they would rely on what you wrote 12:51:39</p> <p>7 in here? 12:51:41</p> <p>8 MS. LEEBOVE: Objection, calls for 12:51:41</p> <p>9 speculation. 12:51:43</p> <p>10 THE WITNESS: Yeah, I couldn't talk about 12:51:44</p> <p>11 what they would think. 12:51:46</p> <p>12 BY MR. KIERNAN: 12:51:47</p> <p>13 Q. Why did you give it to them? 12:51:47</p> <p>14 A. To find work. 12:51:51</p> <p>15 Q. Right. But you have no understanding that 12:51:56</p> <p>16 a potential employer is going to rely upon what you 12:52:00</p> <p>17 write in your resume? 12:52:04</p> <p>18 MS. LEEBOVE: Objection, argumentative, 12:52:07</p> <p>19 calls for speculation, misstates prior testimony. 12:52:10</p> <p>20 THE WITNESS: Yes, I do. 12:52:16</p> <p>21 BY MR. KIERNAN: 12:52:24</p> <p>22 Q. Okay. What's your understanding? 12:52:24</p> <p>23 A. It provides a quick view of your particular 12:52:27</p> <p>24 skills that you will bring to the position. 12:52:29</p> <p>25 Q. And potential employers understand that 12:52:31</p>
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<p>1 MR. KIERNAN: They'll pass it around. 12:49:58</p> <p>2 MS. LEEBOVE: Thank you. 12:50:01</p> <p>3 BY MR. KIERNAN: 12:50:01</p> <p>4 Q. Now, I've handed you what's been marked as 12:50:01</p> <p>5 Exhibit 92. Could you identify this for me, 12:50:03</p> <p>6 Mr. Stover? 12:50:06</p> <p>7 A. This is a resume that I just provided to 12:50:10</p> <p>8 you. I found it using the method I just 12:50:13</p> <p>9 described. 12:50:17</p> <p>10 Q. And this resume, was it attached to an 12:50:18</p> <p>11 e-mail? 12:50:20</p> <p>12 A. Correct. 12:50:21</p> <p>13 Q. While you were looking for resumes during 12:50:24</p> <p>14 the break, did you see other e-mails with attached 12:50:27</p> <p>15 resumes? 12:50:29</p> <p>16 A. Yes. 12:50:31</p> <p>17 Q. And e-mails that you sent in connection 12:50:31</p> <p>18 with your most recent search for jobs? 12:50:33</p> <p>19 A. That's correct, yeah. 12:50:36</p> <p>20 Q. Roughly how many e-mails do you think you 12:50:39</p> <p>21 saw? 12:50:41</p> <p>22 A. I saw six. 12:50:52</p> <p>23 Q. Okay. And what was the -- your purpose in 12:51:09</p> <p>24 putting together this resume, Exhibit 92? 12:51:16</p> <p>25 A. This one would specifically be to find work 12:51:20</p>	<p>1 you're being accurate in your description of those 12:52:33</p> <p>2 particular skills -- 12:52:37</p> <p>3 MS. LEEBOVE: Objection. 12:52:37</p> <p>4 BY MR. KIERNAN: 12:52:37</p> <p>5 Q. Is that correct? 12:52:37</p> <p>6 MS. LEEBOVE: Objection, calls for 12:52:38</p> <p>7 speculation. 12:52:39</p> <p>8 THE WITNESS: Yeah, I wouldn't speculate on 12:52:41</p> <p>9 that. 12:52:42</p> <p>10 BY MR. KIERNAN: 12:52:43</p> <p>11 Q. You don't have any understanding, 12:52:43</p> <p>12 Mr. Stover -- 12:52:45</p> <p>13 MS. LEEBOVE: Objection, argumentative, 12:52:45</p> <p>14 calls for speculation. 12:52:46</p> <p>15 THE WITNESS: Do I have an understanding? 12:52:48</p> <p>16 MR. KIERNAN: Yeah. 12:52:52</p> <p>17 MS. LEEBOVE: Same objections. 12:52:53</p> <p>18 THE WITNESS: If I were hiring someone, I 12:52:57</p> <p>19 would definitely not be so concerned about the dates 12:53:01</p> <p>20 where they worked somewhere, I would be more 12:53:05</p> <p>21 interested in the skills they would bring to the 12:53:07</p> <p>22 table. And I would meet them, and speak with them, 12:53:11</p> <p>23 and probably most important I would talk to 12:53:14</p> <p>24 references that they provide. 12:53:16</p> <p>25 BY MR. KIERNAN: 12:53:18</p>

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1	Q. And you're focusing on the dates in your	12:53:18	1	2009?	12:56:06
2	answer because your dates that you provided to	12:53:20	2	A. In this case I would say it was just not	12:56:08
3	potential employers you misrepresented; isn't that	12:53:24	3	being particularly careful about representing my	12:56:11
4	right?	12:53:26	4	work history.	12:56:16
5	MS. LEEBOVE: Objection.	12:53:29	5	Q. Excuse me. Now, you state in Exhibit 92	12:56:52
6	MR. KIERNAN: Well --	12:53:29	6	that you worked at Chick Machine Tool from July 1999	12:56:55
7	MS. LEEBOVE: What -- objection,	12:53:29	7	to September 2000, do you see that?	12:57:01
8	argumentative, assumes facts not in evidence.	12:53:34	8	A. Yes.	12:57:03
9	THE WITNESS: No, I would say I was not	12:53:37	9	Q. Okay. But you weren't living in Butler,	12:57:05
10	careful.	12:53:43	10	Pennsylvania in 2000, correct?	12:57:06
11	BY MR. KIERNAN:	12:53:44	11	MS. LEEBOVE: Objection, misstates prior	12:57:09
12	Q. What weren't you -- what were you not	12:53:44	12	testimony.	12:57:11
13	careful about?	12:53:49	13	THE WITNESS: I was not.	12:57:11
14	A. Providing the exact dates of my	12:53:55	14	BY MR. KIERNAN:	12:57:14
15	employment.	12:53:57	15	Q. Right. You moved to San Francisco?	12:57:14
16	Q. Which ones?	12:53:59	16	A. Correct.	12:57:17
17	A. So I think the ones September 2005 is	12:54:26	17	Q. So you couldn't have writ- -- you couldn't	12:57:18
18	approximately when I started at Intuit, so I'd say	12:54:30	18	have worked at Chick Machine Tool through September	12:57:19
19	the positions before that I wasn't careful about the	12:54:32	19	2000, correct?	12:57:22
20	date ranges where I worked somewhere. And if	12:54:35	20	MS. LEEBOVE: Objection, asked and	12:57:24
21	September 2005 is wrong for my start date at Intuit,	12:54:41	21	answered, argumentative.	12:57:26
22	again, that would be an example of --	12:54:46	22	THE WITNESS: That's correct.	12:57:26
23	Q. When did you start at Intuit?	12:54:49	23	BY MR. KIERNAN:	12:57:27
24	A. I honestly don't remember. It sounds	12:54:51	24	Q. So this is another time that you misstated	12:57:29
25	right. I was working as a consultant for JPF.	12:54:54	25	when you worked at a particular employer, when	12:57:31
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1	Q. You have a LinkedIn profile, correct?	12:55:04	1	looking for your recent jobs, correct?	12:57:34
2	A. I do.	12:55:07	2	MS. LEEBOVE: Objection, mischaracterizes	12:57:36
3	Q. And you keep that fairly up-to-date?	12:55:07	3	prior testimony.	12:57:37
4	A. Relatively.	12:55:10	4	THE WITNESS: Yeah, again, I was not being	12:57:39
5	Q. In fact, you just updated to include your	12:55:10	5	as careful as I should have been.	12:57:40
6	education at the Center for Wood Construction,	12:55:16	6	BY MR. KIERNAN:	12:57:47
7	right?	12:55:18	7	Q. With respect to Chick Machine Tool isn't	12:57:47
8	A. Slightly four months ago, something like	12:55:18	8	this because you wanted to make it look like you had	12:57:49
9	that.	12:55:21	9	extensive experience working with machinery and	12:57:52
10	Q. So "yes" is the answer?	12:55:22	10	gaining the skill set that you could use in	12:57:58
11	A. Yes.	12:55:23	11	carpentry? Isn't that why you wrote "September	12:58:01
12	Q. And on your LinkedIn account, you have when	12:55:24	12	2000"?	12:58:04
13	you stated into it, correct?	12:55:28	13	MS. LEEBOVE: Objection, argumentative,	12:58:06
14	A. I believe so.	12:55:29	14	compound, harassing the witness.	12:58:07
15	Q. And there you have July of 2006?	12:55:33	15	THE WITNESS: Yeah, I couldn't say for	12:58:09
16	MS. LEEBOVE: Is that a question?	12:55:35	16	certain. Like I said, I think I just was not being	12:58:11
17	MR. KIERNAN: Isn't that right?	12:55:38	17	careful.	12:58:14
18	THE WITNESS: I honestly don't know.	12:55:41	18	BY MR. KIERNAN:	12:58:16
19	BY MR. KIERNAN:	12:55:44	19	Q. You can't say for certain?	12:58:16
20	Q. I'll represent to you that's what you wrote	12:55:44	20	MS. LEEBOVE: Objection, that's not a	12:58:18
21	on the Internet, is that you worked there in July of	12:55:46	21	question.	12:58:20
22	2006.	12:55:51	22	MR. KIERNAN: It is a question.	12:58:20
23	A. Uh-huh.	12:55:53	23	MS. LEEBOVE: Sounds more like a comment.	12:58:21
24	Q. Why would you tell potential employers that	12:55:53	24	Just because you raise your voice at the end of a	12:58:21
25	you worked there in September 2005 to December of	12:56:00	25	word, doesn't make it a question.	12:58:24

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1	BY MR. KIERNAN:	12:58:27	1	careful.	12:59:56
2	Q. You can't say for certain why you put	12:58:27	2	BY MR. KIERNAN:	12:59:57
3	September 2000?	12:58:30	3	Q. I understand that you were not being	12:59:57
4	MS. LEEBOVE: Objection, that's a	12:58:31	4	careful.	12:59:59
5	comment.	12:58:31	5	A. Yes.	12:59:59
6	MR. KIERNAN: Counselor, it's a question,	12:58:35	6	Q. I'm asking you if you misstated where you	13:00:00
7	okay? It's not a statement. You can answer the	12:58:36	7	worked in 2000, when you were looking or when you	13:00:01
8	question.	12:58:38	8	were applying for jobs?	13:00:08
9	MS. LEEBOVE: Objection, argumentative,	12:58:39	9	MS. LEEBOVE: Objection, asked and	13:00:09
10	harassing the witness, asked and answered.	12:58:43	10	answered, harassing, mischaracterizes prior	13:00:11
11	BY MR. KIERNAN:	12:58:45	11	testimony, argumentative.	13:00:13
12	Q. Go ahead.	12:58:45	12	THE WITNESS: So there was definitely a	13:00:15
13	A. Yeah, I honestly can't say.	12:58:45	13	mistake there.	13:00:17
14	Q. You knew when you drafted this resume where	12:58:51	14	BY MR. KIERNAN:	13:00:22
15	you were living in 2000, correct?	12:58:54	15	Q. And you testified that you've sent this out	13:00:22
16	MS. LEEBOVE: Objection, we're about to	12:58:55	16	to at least six potential employers; is that	13:00:25
17	leave the room. So if you'd like to continue	12:58:57	17	correct?	13:00:32
18	harassing the witness, that's what's going to	12:59:00	18	MS. LEEBOVE: Objection, misstates prior	13:00:32
19	happen.	12:59:02	19	testimony.	13:00:34
20	THE WITNESS: Can we --	12:59:03	20	THE WITNESS: I saw on the screen six	13:00:35
21	MS. LEEBOVE: Argumentative.	12:59:03	21	e-mails where I attached a resume. I don't know if	13:00:35
22	MR. KIERNAN: You can answer.	12:59:03	22	it's this exact one.	13:00:40
23	THE WITNESS: Yes.	12:59:06	23	(Exhibit 93 marked for identification.)	13:00:45
24	MS. LEEBOVE: Misstates prior testimony.	12:59:06	24	BY MR. KIERNAN:	13:00:45
25	THE WITNESS: I would have known where I	12:59:07	25	Q. I'm handing you what's been marked as	13:01:41
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1	was living.	12:59:09	1	Exhibit 93.	13:01:43
2	BY MR. KIERNAN:	12:59:10	2	All right. Mr. Stover, you see in the	13:02:02
3	Q. And so in this resume you misstated where	12:59:10	3	bottom right-hand corner it says, PLTF DS 0000243?	13:02:04
4	you were living, correct?	12:59:14	4	A. Yes.	13:02:09
5	MS. LEEBOVE: Objection, mischaracterizes	12:59:15	5	Q. All right. This represents that this came	13:02:09
6	prior testimony, asked and answered, harassing,	12:59:17	6	out of your files.	13:02:13
7	argumentative.	12:59:19	7	A. Okay.	13:02:13
8	THE WITNESS: Yes, I wasn't being careful.	12:59:20	8	Q. Can you identify what Exhibit 93 is?	13:02:15
9	I was not -- I was not misrepresenting. I was not	12:59:21	9	A. This appears to be my LinkedIn profile; is	13:02:18
10	being careful.	12:59:25	10	that correct?	13:02:23
11	BY MR. KIERNAN:	12:59:26	11	Q. Yes.	13:02:26
12	Q. But you misstated where you were living,	12:59:26	12	A. Okay.	13:02:31
13	Mr. Stover, correct?	12:59:27	13	Q. And if you turn to Bates range 245. And	13:02:37
14	MS. LEEBOVE: Objection, argumentative and	12:59:29	14	about halfway down it states, "Finish carpenter	13:02:50
15	harassing.	12:59:32	15	Fulwiler James November 2005 through June 2006,	13:02:54
16	THE WITNESS: This doesn't state where I	12:59:33	16	eight months"; do you see that?	13:03:03
17	lived.	12:59:34	17	A. Yes.	13:03:05
18	BY MR. KIERNAN:	12:59:38	18	Q. And then earlier today you felt that you	13:03:05
19	Q. Okay. You misstated where you worked in	12:59:38	19	were there for a shorter period of time, do you	13:03:08
20	2000 in your resume that you recently used to get	12:59:41	20	recall that testimony?	13:03:10
21	employment, correct?	12:59:45	21	A. I said five or six months, I believe.	13:03:11
22	MS. LEEBOVE: Objection, mischaracterizes	12:59:50	22	Q. Is your LinkedIn profile accurate with	13:03:17
23	prior testimony, asked and answered, argumentative,	12:59:52	23	respect to roughly the year in which you worked in	13:03:19
24	harassing.	12:59:54	24	the five or six months in sort of the timeframe in	13:03:26
25	THE WITNESS: Again, I was not being	12:59:54	25	which you worked at Fulwiler James?	13:03:28

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1	A. I --	13:03:29	1	Q. What year?	13:06:08
2	MS. LEEBOVE: Objection, vague.	13:03:30	2	A. I honestly don't recall.	13:06:11
3	THE WITNESS: I believe it is.	13:03:32	3	Q. Is either one of these accurate, either	13:06:18
4	BY MR. KIERNAN:	13:03:37	4	92 -- Exhibit 92 or Exhibit 93?	13:06:21
5	Q. So now I want to go back to the resume,	13:03:37	5	MS. LEEBOVE: Objection, vague.	13:06:27
6	Exhibit 92, that you sent out to potential employers	13:03:40	6	THE WITNESS: Entirely accurate, I would	13:06:28
7	for carpentry work. Here you state that you worked	13:03:46	7	say no.	13:06:29
8	at Fulwiler James October 2004 through September	13:03:48	8	BY MR. KIERNAN:	13:06:30
9	2005, do you see that?	13:03:54	9	Q. With respect to Fulwiler -- when you worked	13:06:30
10	MS. LEEBOVE: Objection, misstates prior	13:03:55	10	at Fulwiler James, is either Exhibit 92 or Exhibit	13:06:31
11	testimony.	13:03:56	11	93 accurate?	13:06:35
12	THE WITNESS: I do.	13:04:00	12	MS. LEEBOVE: Objection, vague, asked and	13:06:36
13	BY MR. KIERNAN:	13:04:06	13	answered.	13:06:39
14	Q. The resume that you sent to the potential	13:04:06	14	THE WITNESS: Yes, I don't know.	13:06:40
15	employer states that you worked at Fulwiler James	13:04:11	15	BY MR. KIERNAN:	13:06:46
16	for nearly two years, correct? Or no, for nearly a	13:04:15	16	Q. When you sent the resume that's marked as	13:06:46
17	year, correct?	13:04:21	17	Exhibit 92 to the potential employer, did you do	13:06:50
18	A. Yes.	13:04:25	18	anything to verify the dates of employment that you	13:06:57
19	Q. For eleven months; is that right?	13:04:26	19	wrote down on your resume?	13:06:59
20	A. Yes.	13:04:34	20	A. I did not.	13:07:01
21	Q. So this is another example of where the	13:04:36	21	Q. You did not?	13:07:02
22	resume that you sent to potential employers	13:04:42	22	A. Yeah. I mean, I would have probably	13:07:03
23	misstates the dates in which you worked for a	13:04:45	23	grabbed an earlier resume and worked from that.	13:07:05
24	particular employer?	13:04:49	24	Q. You didn't look to see what you'd written	13:07:21
25	MS. LEEBOVE: Objection, misstates prior	13:04:50	25	in LinkedIn?	13:07:24
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1	testimony, mischaracterizes prior testimony as	13:04:53	1	MS. LEEBOVE: Objection, argumentative.	13:07:25
2	well.	13:04:55	2	THE WITNESS: For this particular resume, I	13:07:28
3	THE WITNESS: It would be another example	13:04:56	3	don't remember doing that.	13:07:31
4	of where I was not careful about the dates I was	13:04:57	4	BY MR. KIERNAN:	13:08:49
5	using.	13:05:00	5	Q. When did you create Exhibit 92, roughly?	13:08:49
6	BY MR. KIERNAN:	13:05:00	6	A. In its final form?	13:08:57
7	Q. But you were careful in LinkedIn, right?	13:05:00	7	Q. Uh-huh.	13:09:04
8	MS. LEEBOVE: Objection, vague.	13:05:04	8	A. Sometimes within the last four months it's	13:09:04
9	THE WITNESS: I can't guarantee everything	13:05:08	9	adequate.	13:09:07
10	here is exactly right, but it appears I was more	13:05:10	10	Q. Since May of 2012?	13:09:17
11	careful.	13:05:25	11	A. Yes.	13:09:20
12	BY MR. KIERNAN:	13:05:26	12	Q. I notice that in Exhibit 92 you did not	13:09:25
13	Q. And what I'd like you to do, Mr. Stover, is	13:05:26	13	list your work at Restoration Hardware. Is there a	13:09:27
14	look at 92 and 93 side by side, okay? The resume	13:05:28	14	reason why?	13:09:32
15	that you recently sent out for Fulwiler James is	13:05:35	15	A. I am not sure. I don't know why.	13:09:39
16	dated October 2004 - September 2005, do you see	13:05:40	16	Q. When did you work at Restoration	13:09:44
17	that?	13:05:44	17	Hardware?	13:09:47
18	A. Yes.	13:05:45	18	A. Approximately the dates that are in	13:09:48
19	Q. All right. And then in your LinkedIn	13:05:46	19	LinkedIn.	13:09:49
20	profile, which is Exhibit 93, you've written	13:05:49	20	Q. Which is what?	13:09:51
21	November 2005 through June 2006, do you see that?	13:05:56	21	A. Here I have listed September 2004 through	13:09:54
22	A. Yes.	13:06:01	22	October of 2005.	13:09:57
23	Q. Which months did you work for Fulwiler	13:06:03	23	Q. And that's roughly the same period that you	13:10:01
24	James?	13:06:05	24	assigned to Fulwiler James in your Exhibit 22; is	13:10:07
25	A. I don't recall.	13:06:07	25	that right?	13:10:12

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1 I declare under penalty of perjury under the
 2 laws of the State of California that the foregoing
 3 is true and correct.

4
 5 Executed on _____, 2012,
 6 at _____.

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 11 _____
 12 DANIEL STOVER
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1 State OF CALIFORNIA) ss:
 2 COUNTY OF MARIN)
 3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
 5 certify:

6 That the foregoing deposition testimony was
 7 taken before me at the time and place therein set
 8 forth and at which time the witness was administered
 9 the oath;

10 That the testimony of the witness and all
 11 objections made by counsel at the time of the
 12 examination were recorded stenographically by me,
 13 and were thereafter transcribed under my direction
 14 and supervision, and that the foregoing pages
 15 contain a full, true and accurate record of all
 16 proceedings and testimony to the best of my skill
 17 and ability.

18 I further certify that I am neither counsel for
 19 any party to said action, nor am I related to any
 20 party to said action, nor am I in any way interested
 in the outcome thereof.

21 IN THE WITNESS WHEREOF, I have transcribed my
 22 name this 2nd day of November, 2012.

23
 24
 25 _____
 ASHLEY SOEVYN, CSR No. 12019